

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT NO.: 6,307,833

ISSUED: October 23, 2001

APPLICATION NO.: 09/249,895

FILING DATE: February 16, 1999

ATTORNEY DOCKET NO.: 99-9


Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR RECONSIDERATION UNDER (37 C.F.R. 1.378(e))

This Petition is in response to the decision on petition dated August 5, 2011. Reconsideration of the dismissal is respectfully requested. A properly executed petition to accept the unintentionally delayed payment of the maintenance fee and a statement that the delay was unintentional under 35 U.S.C. § 41(c) are being filed together with this Petition.

The Commissioner is hereby authorized to charge \$400.00 for payment of the Petition fee along with any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Janik Marcovici
Reg. No. 42,841

9/28/11

Date

Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614
(203) 259-1800
Customer No.: 2512

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

99-9

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,307,833 Application Number 09/249,895

Issue Date October 23, 2001 Filing Date February 16, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - Identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper ("along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date

Signature

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity | | | Small Entity | | |
|-----------------------------------|---------------|--------|--|---------------|--------|
| Amount | Fee | (Code) | Amount | Fee | (Code) |
| <input type="checkbox"/> \$ _____ | 3 1/2 yr fee | (1551) | <input type="checkbox"/> \$ _____ | 3 1/2 yr fee | (2551) |
| <input type="checkbox"/> \$ _____ | 7 1/2 yr fee | (1552) | <input checked="" type="checkbox"/> \$ 1,240.00* | 7 1/2 yr fee | (2552) |
| <input type="checkbox"/> \$ _____ | 11 1/2 yr fee | (1553) | <input type="checkbox"/> \$ _____ | 11 1/2 yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 1,240.00*

*Previously Paid on July 11, 2011

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00*

*Previously Paid on July 11, 2011

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ 2,880.00 *Previously Paid on July 11, 2011

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 16-1350

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

OR ☐ Credit to Deposit Account No. _____
☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

J
Signature(s) of Petitioner(s)

9/29/11
Date

Janik Marcovici

42,841

Typed or printed name(s)

Registration Number, if applicable

203-259-1800

Telephone Number

99 Hawley Lane, Stratford, CT 06614

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☐ Maintenance Fee Payment
☐ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
☒ Copy of Change of Correspondence Address dated
9/26/11

CHANGE OF CORRESPONDENCE ADDRESS Patent

Address to:
Mail Stop Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|-------------------|
| Patent Number | 8,307,833 |
| Issue Date | October 23, 2001 |
| Application Number | 09/249,895 |
| Filing Date | February 16, 1999 |
| First Named Inventor | Keith R. Barker |
| Attorney Docket Number | 99-9 |

Please change the Correspondence Address for the above-identified patent to:

☐ The address associated with Customer Number:

OR

☒ **Firm or Individual Name** Telesat - Office of General Counsel

1801 Telesat Court

Address

City Ottawa, Ontario

State

ZIP

Country Canada K1B 5P4

Telephone (613) 748-8700

Email rorilly@telesat.com

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

This form will not affect any "fee address" provided for the above-identified patent. To change a "fee address" use the "Fee Address Indication Form" (PTO/SB/47).

I am the:

☐ Patentee.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ Attorney or agent of record. Registration Number _____

Signature

Typed or

Printed Name

Christopher DiFrancesco.

Date

September 26, 2011

Telephone

613-748-8700

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Telesat Network Services, Inc.

Application No./Patent No.: 09/249,895 / 6,307,833

Filed/Issue Date: February 16, 1999 / October 23, 2001

Title: Rain Fade Mitigation in a Data Transmission System

Telesat Network Services, Inc.

, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Keith R. Barker

To: Cyberstar, L.P.

The document was recorded in the United States Patent and Trademark Office at

Reel 009780

, Frame 0959

, or for which a copy thereof is attached.

2. From: Cyberstar, L.P.

To: Loral Cyberstar, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel 012139

, Frame 0303

, or for which a copy thereof is attached.

3. From: Loral Cyberstar, Inc.

To: Loral Skynet Network Services, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel 026413

, Frame 0822

, or for which a copy thereof is attached.

☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Christopher D. Francesco

Printed or Typed Name

Date

September 26, 2001

Title

Secretary

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on this amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

Patent No. 6,307,833
Statement Under 37 CFR 3.73(b)
Chain of Title Supplemental Sheet

Page 2 of 2

4. From: Loral Skynet Network Services, Inc.
 To: Telesat Network Services, Inc.
 Reel: 026423
 Frame: 0734